IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 12838 of 2004

Between:

1 M.Shivaji, S/o. Govind, Major,
R/o. H.No. 4-3-540, Hanuman Tekdi, Hyderabad.
2 B. Madhav, S/o. Prabhapa, Major,
R/o. H.No. 4-3-540, Hanuman Tekdi, Hyderabad.
3 M. Adil,S/o. Haji, Major,
R/o. H.No. 9-3-296, M.D. Lines, Hyderabad.
4 N. Kailash, S/o. Prahlad, Major,
R/o. H.No. 4-3-161/1, Hanuman Tekdi, Hyderabad.
5 V. Subhash, S/o. Maruti, Major,
R/o. H.No. 4-3-161/1, Hanuman Tekdi, Hyderabad.
6 M. Balaji, S/o. Govind, Major,
R/o. H.No. 4-3-540, Hanuman Tekdi, Hyderabad.
7 A. Narsing, S/o. Maruti, Major,
R/o. Kishanbagh, Hyderabad.
8 M. Ashok, S/o. Dhondiva, Major,
R/o. Kishanbagh, Hyderabad.
9 G. Shivanand, S/o. Madav, Major,
R/o. Dhoolpet, Hyderabad.
10 B. Subhash, S/o. Dondiva, Major,
R/o. Kishanbagh, Hyderabad.

..... PETITIONERS

AND

1 Municipal Corporation of Hyderabad, Rep by its Commissioner, having Head Office at Tank Bund, Basheerabagh, Hyderabad.
2 The Ranger Officer, Circle-II Horticulture Department of M.C.H. Imliban Office, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India

praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the respondents not to remove the petitioners from their present businesses at Putli Bowli, M.C.H. Garbage Centre, Hyderabad without showing alternative accommodation in the circumstances of case.

Counsel for the Petitioners: MR.B.V.V.S.MURTHY

Counsel for Respondents: MR.RAMA RAO GANTA

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioners and learned Standing Counsel for the respondents. Both the counsel have no objection to dispose of the writ petition at the admission stage.

Petitioners state that they are hawkers and petty vendors. Originally they are carrying their business at Sultan Bazaar. At the instance of the Municipal Corporation to construct municipal complex at Sultan Bazaar, the petitioners were shown alternative accommodation at Putli Bowli at Municipal Corporation of Hyderabad garbage centre and since then they are carrying their business at Putli Bowli. It is case of the petitioners that the respondents all of a sudden came to the place where the petitioners are carrying on their business and threatened them to remove their business, without giving any reason and also without issuing any notice. In view of the same, the petitioners moved this court by way of filing the present writ petition contending that unless alternative place is shown to them the respondents cannot prevent them from doing their business at Putli Bowli Municipal Corporation of Hyderabad garbage centre.

Learned counsel for the petitioners obtained time on

23-7-2004 for production of allotment orders issued to the petitioners. Today, he submits that except oral allotment, no allotment orders were made to the petitioners.

Unless the petitioners were permitted to use the place by the officials of the Municipal Corporation of Hyderabad, they cannot insist that they should be issued with notices before their eviction from the said place where they are doing business. The very fact, that the business, which the petitioners are carrying on is push carts, which can be stationed wherever vacant place is available, that will not give right to the petitioners to claim that they should be shown alternative place to continue their business. In view of the same, petitioners cannot invoke the inherent jurisdiction of this court under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

21st September, 2004.
Js.

ASSISTANT REGISTRAR

To
1 The Commissioner, Municipal Corporation of Hyderabad, having Head Office at Tank Bund, Basheerabagh, Hyderabad.
2 The Ranger Officer, Circle-II Horticulture Department of M.C.H. Imliban Office, Hyderabad.
3 2 CD copies.